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Attorneys for Plaintiff and Counterdefendant
Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC.,
Plaintiff/Counterdefendant,
v.
NETWORK APPLIANCE, INC.,
Defendant/Counterplaintiff.

CASE NO. 3:08-CV-01641 EDL

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING CASE SCHEDULE**

WHEREAS, Sun Microsystems, Inc. ("Sun") and NetApp, Inc. ("NetApp") have agreed that depositions of witnesses that have already been noticed must be completed no later than January 22, 2010;

WHEREAS, opening expert reports are currently due on January 11, 2010; and

WHEREAS, the parties seek to avoid having depositions occur after service of opening expert reports;

THEREFORE, IT IS HEREBY STIPULATED by Sun and NetApp that:

(1) Opening Expert Reports shall be served on February 12, 2010;

- (2) Rebuttal Expert Reports shall be served on March 5, 2010;
- (3) Close of Expert Discovery shall be April 2, 2010;
- (4) Opening motions for summary judgment shall be filed on April 7, 2010;
- (5) Oppositions to motions for summary judgment shall be filed on April 21, 2010;
- (6) Replies to motions for summary judgment shall be filed on May 5, 2010; and
- (7) Subject to the Court's availability, the hearings on the motions for summary

MAY 21
judgments shall be continued from May 5, 2010 to May 19, 2010 for the Sun patents-in-suit and
JUNE 4
from May 12, 2010 to June 2, 2010 for the NetApp patents-in-suit.

IT IS SO STIPULATED.

Dated: December 18, 2009

By /s/ Christine K. Corbett
MARK FOWLER
CHRISTINE K. CORBETT
CARRIE L. WILLIAMSON
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Attorneys for Plaintiff/Counterdefendant
SUN MICROSYSTEMS, INC.

Dated: December 18, 2009

By /s/ Jeffrey G. Homrig
EDWARD R. REINES
JEFFREY G. HOMRIG
WEIL, GOTSHAL & MANGES
Attorneys for Defendant/Counterplaintiff
NETWORK APPLIANCE, INC.

IT IS SO ORDERED.

Dated: December 21, 2009.

Elizabeth D. Laporte

Honorable Elizabeth D. Laporte
U.S. Magistrate Judge